

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

PETER V. MAGGIO, III, *ET AL.*

CRIMINAL CASE NO. 04-10231-MLW

GOVERNMENT'S SUBMISSION OF INITIAL STATUS REPORT

Comes now the United States of America, by Victor A. Wild, Assistant United States Attorney for the District of Massachusetts, and submits the following status report, including issues required to be discussed at Initial Status Conference pursuant to Local Rule 116.5(A):

1. Seven defendants were indicted on August 12, 2004;
2. Initial appearance for defendant Paradiso was held on September 28, 2004.
3. Initial appearance for defendant O'Neill was held on September 30, 2004. The parties have engaged in plea discussions toward a non-trial disposition of the case as to defendant O'Neill.
4. Initial appearance for defendant DeVeau was held on October 6, 2004. The parties have engaged in plea discussions and discussion of Rule 20 Transfer toward a non-trial disposition of the case as to defendant DeVeau.
5. The Government contemplated consolidated discovery to all defendants after initial appearances were conducted and representation by counsel was determined as to all defendants. See Local Rule 116.1(C)(1) (automatic discovery on or before 28 days after arraignment); see also Local Rule 116.3(H) (requiring consolidated written defense requests and motions for discovery).

6. Initial appearances for the remaining defendants are scheduled for November 9th and 10th, 2004.
7. The Government will provide consolidated automatic discovery pursuant to 116.1(A)(1) and (C).
8. The Government is not aware of exculpatory material, but will reassess the matter and will provide disclosure pursuant to Local Rule 116.2(A) and (B) and Local Rule 116.1(C)(1) (on or before 28 days after arraignments).
8. The Government will provide discovery concerning expert witnesses pursuant to Fed.R.Crim.P. 16(a)(1)(E), if requested, and subject to reciprocal discovery of defense expert witnesses pursuant to Fed.R.Crim.P. 16(b)(1)(C).
8. The Government recognizes its duty to provide continuing discovery pursuant to Local Rule 116.5(A)(3). The Government requests continuing reciprocal defense disclosure.
9. This Court should set a motion date after arraignment of all defendants. See Fed.R.Crim.P.12(c) (at arraignment or as soon as practicable, set deadline for pretrial motions). See also Local Rule 116.3(H) (requiring consolidated written defense requests and motions for discovery).
10. The Government has filed a motion for excludable delay under the Speedy Trial Act.
11. At the present time, it appears that some or all defendants will plead guilty.
12. Additional time will be needed to determine whether individual defendants will seek additional discovery and/or will seek trial in this case.
13. It is not possible at the present time to determine the appropriate timing of a Final Status Conference.
14. The Government submits that a continuance of the status conference scheduled for November 8, 2004, and any continued status conference, should take into account (a) pending arraignments of defendants, and (b) pending non-trial disposition(s) as to any defendant(s).

Respectfully submitted this 8th day of November, 2004.

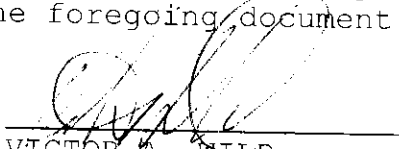
MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: 

VICTOR A. WILD  
Assistant U.S. Attorney  
One Courthouse Way  
Boston, MA 02210  
(617) 748-3100

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the attorneys listed below a copy of the foregoing document.

  
VICTOR A. WILD  
Assistant U.S. Attorney

James M. Merberg, Esq.  
66 Long Wharf  
Boston, MA 02110  
Attorney for Peter V. Maggio

Edward Z. Menkin, Esq.  
Suite 909, 109 S. Warren St.  
Syracuse, NY 13202  
Attorney for Jeffrey DeVeau

Joseph S. Oteri, Esq.  
20 Park Plaza  
Boston, MA 02116  
Attorney for Michael R. O'Neill

Elliott M. Weinstein, Esq.  
228 Lewis Wharf  
Boston, MA 02110  
Attorney for William A. Howe

Scott P. Lopez, Esq.  
24 School Street  
Boston, MA 02108  
Attorney for Louis A. Paradiso

Matt A. Havey  
# 3, Russell Street  
Malden, MA 02148

Sean Sacco  
21 Frost Avenue  
Dorchester, MA 02122